

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| ----- | X | |
| MARVIN GERBER AND KALMA KOENIG, | : | |
| on behalf of themselves and all others similarly | : | |
| situated, | : | |
| | : | |
| Plaintiffs, | : | Index No. 1:18-cv-07580-JPO |
| | : | |
| -against- | : | |
| | : | |
| THE FINANCIAL TRUST COMPANY, XYZ | : | |
| CORPORATION, ABC, INC., and JEFFREY | : | |
| E. EPSTEIN, | : | |
| | : | |
| Defendants. | : | |
| ----- | X | |

**DEFENDANTS THE FINANCIAL TRUST COMPANY AND JEFFREY E. EPSTEIN’S
NOTICE OF MOTION TO DISMISS PLAINTIFFS’ COMPLAINT WITH PREJUDICE**

PLEASE TAKE NOTICE that, upon the declaration of Bennet J. Moskowitz dated September 14, 2018 and the exhibits annexed thereto, and the accompanying Memorandum of Law, on October 8, 2018 at 9:30 a.m., or as soon thereafter as counsel may be heard, Defendants The Financial Trust Company (“FTC”) and Jeffrey E. Epstein (together with FTC, the “Defendants”), by and through their undersigned counsel, will move this Court, before the Honorable J. Paul Oetken, in Courtroom 706 at the United States Courthouse for the Southern District of New York, located at 40 Foley Square, New York, NY 10007, for an Order:

1. Pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), dismissing Plaintiffs’ Complaint in its entirety, with prejudice; and
2. Granting Defendants such other and further relief as the Court deems just and proper.

Dated: New York, New York.
September 14, 2018

Respectfully submitted,

TROUTMAN SANDERS LLP
875 Third Avenue
New York, New York 10022

By: /s/ Bennet J. Moskowitz
Bennet J. Moskowitz

*Attorneys for Defendants The Financial Trust
Company and Jeffrey E. Epstein*